

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUSTICE ONYEALISI IKE, §
§
Plaintiff, § § Civil Action No. 3:20-CV-3743-D
VS. §
§
UNITED STATES CITIZENSHIP AND §
IMMIGRATION SERVICES, et al., §
§
Defendants. §

MEMORANDUM OPINION
AND ORDER

In a May 27, 2021 memorandum opinion and order, the court granted defendants' alternative motion to dismiss plaintiff's first amended complaint under Fed. R. Civ. P. 12(b)(1), raising two grounds for dismissal *sua sponte*, and granting plaintiff 21 days to file an opposition response to those grounds. *See Ike v. U.S. Citizenship & Immigration Servs. (Ike)*, 2021 WL 2167054, at *5-8 (N.D. Tex. May 27, 2021) (Fitzwater, J.). The court sought to implement a fair procedure by allowing plaintiff "to file a brief that sets out his opposition to dismissing his Fifth Amendment due process and declaratory judgment claims." *Id.* at *7. But plaintiff has not filed an opposition response, and the deadline for doing so has elapsed. Accordingly, for the reasons explained in *Ike*, the court grants defendants' alternative motion to dismiss the amended complaint under Rule 12(b)(1) and dismisses this action without

prejudice by judgment filed today.*

SO ORDERED.

August 18, 2021.



SIDNEY A. FITZWATER
SENIOR JUDGE

*Under § 205(a)(5) of the E-Government Act of 2002 and the definition of “written opinion” adopted by the Judicial Conference of the United States, this is a “written opinion[] issued by the court” because it “sets forth a reasoned explanation for [the] court’s decision.” It has been written, however, primarily for the parties, to decide issues presented in this case, and not for publication in an official reporter, and should be understood accordingly.